

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WENDELL COLEMAN,

Plaintiff,

v.

LT. FERNANDEZ, et al.,

Defendants.

Case No. [21-cv-00539-SI](#) (pr)

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR A THIRD EXTENSION
OF TIME TO RESPOND TO ORDER
TO SHOW CAUSE**

Re: Dkt. No. 15

On February 11, 2021, plaintiff was ordered to show cause within thirty days why this action should not be dismissed under 28 U.S.C. § 1915(g). Docket No. 5. The order identified three prior dismissals that appeared to count under § 1915(g), stated that plaintiff did not appear to be under imminent danger of serious physical injury when he filed the complaint, and ordered plaintiff to show cause why pauper status should not be denied and the action should not be dismissed. *Id.* at 1-2. The order further stated that plaintiff also could avoid dismissal by paying the filing fee by the deadline. *Id.* at 3.

The court has reset the deadline twice for plaintiff to respond to the February 11, 2021 order to show cause. Docket Nos. 9, 14. The deadline, July 30, 2021, has passed. To date, plaintiff has not filed his response. Instead, he requests a third extension of the deadline to file his response. Upon due consideration, plaintiff's request is GRANTED. Docket No. 15. No later than **October 1, 2021**, plaintiff must file a written response to the February 11, 2021 order to show cause re. contemplated dismissal. If plaintiff fails to file a response by the October 1, 2021 deadline or fails to file a proper response addressing the § 1915(g) issue and showing cause why this action should not be dismissed, then the court will deny plaintiff's *in forma pauperis* application and dismiss this action under § 1915(g). Again, dismissal under § 1915(g) means that a prisoner cannot proceed

1 with his action as a pauper under § 1915(g), but he still may pursue his claims if he pays the full
2 filing fee at the outset of the action. Thus, in the alternative to showing cause why the action should
3 not be dismissed, plaintiff may avoid dismissal by paying the full \$400.00 filing fee by the same
4 deadline.

5 **IT IS SO ORDERED.**

6 Dated: August 12, 2021



SUSAN ILLSTON
United States District Judge